

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Lisa Bouck,)	
)	
Plaintiff,)	
)	
vs.)	Case No: 3:12-cv-111
)	
Pizza Corner, Inc.,)	REPORT AND RECOMMENDATION
)	
Defendant.)	

On June 14, 2013, plaintiff's counsel, Tom Fieberger, filed a motion to withdraw as the attorney of record for the plaintiff and served the motion on the plaintiff. (Doc. #10, Doc. #12). Attorney Fieberger stated that since April 8, 2013, plaintiff failed to respond to numerous letters and phone calls, and had not otherwise contacted him. (Doc. #11). Attorney Fieberger contended that the plaintiff's failure to contact him made it impossible to represent the plaintiff. Id. Plaintiff did not respond to Attorney Fieberger's motion. The court found that Attorney Fieberger had established good cause for withdrawing as the attorney of record for the plaintiff and granted his motion to withdraw. (Doc. #13).

On April 8, 2013, the court scheduled a settlement conference in this matter for July 17, 2013. (Doc. #9). After the court granted Attorney Fieberger's motion to withdraw, the court sent a letter to plaintiff's last known address advising her of the upcoming settlement conference. (Doc. #14). The court informed plaintiff that she could attend the settlement conference in person, or she could participate by telephone. Id. The court requested that plaintiff contact the court as soon as possible to indicate her preference. Id. Plaintiff did not contact the court as requested and she failed to appear at the settlement conference.

On July 19, 2013, the court issued plaintiff an order to show cause why the court should not dismiss her complaint with prejudice for failure to prosecute. (Doc. #16). Plaintiff had until August 9, 2013, to respond to the court's order. The court warned plaintiff that if she failed to respond the magistrate judge would recommend that her complaint be dismissed with prejudice. Id. Plaintiff has not responded to the court's order to show cause, and has failed to otherwise contact the court. It is **RECOMMENDED** that plaintiff's complaint (Doc. #1) be **DISMISSED** with prejudice for failure to prosecute.

Dated this 21st day of August, 2013.

/s/ Karen K. Klein
Karen K. Klein
United States Magistrate Judge

NOTICE OF RIGHT TO OBJECT

Pursuant to Rule 72(a) and (b), Federal Rules of Civil Procedure, and District of North Dakota Local Court Civil Rule 72.1(D)(2) and (3), any party may object to this Report and Recommendation and by filing with the Clerk of Court no later than September 6, 2013, a pleading specifically identifying those portions of the Report and Recommendation to which objection is made and the basis of any objection. Failure to object or to comply with this procedure may forfeit the right to seek review in the Court of Appeals.